

**Tennessee Ethics Commission**  
**December 3, 2007**

Pursuant to the call of Chairman Donald J. Hall, the Tennessee Ethics Commission met on Monday, December 3, 2007, at 8:30 am at the State Library and Archives. Commissioners Brown, Garland, Hall, Knight, Neal and Purser were present. Chairman Hall called the meeting to order at 8:37 a.m.

Commissioner Hall stated that the first item of business was approval of the October 23, 2007 minutes. Commissioner Brown made the motion to adopt the minutes and Commissioner Garland seconded the motion. The October 23 minutes were passed unanimously.

Commissioner Garland made the motion to approve the November 8, 2007 minutes. Commissioner Purser seconded and the minutes were passed unanimously.

Commissioner Garland made the motion to approve the minutes of the November 20, 2007 meeting. Commissioner Brown seconded the motion. Commissioner Knight noted that the vote on the general counsel position was unanimous and that an earlier no vote was rescinded. Commissioner Garland made the motion to approve the minutes as corrected and Commissioner Brown seconded. The minutes, as corrected, were passed unanimously.

Commissioner Neal stated that she had proposed moving the Executive Director's report to the end of the meeting. After discussion, Commissioner Hall made the motion that the Executive Director's report would be heard at the end of today's meeting and all future meetings. Commissioner Knight seconded the motion and the motion passed unanimously.

The Commissioner next considered the cost of lobbyist training. Commissioner Knight moved that the Commission charge \$50.00 for the training and rebate part of the fee paid this year. After discussion of the motion, Chairman Hall declared that the motion died for lack of a second. Commissioner Brown made the motion that the rate be set at \$40.00 per credit hour. Commissioner Purser seconded. The motion passed 5-1, with Commissioner Knight voting no.

Chairman Hall next stated that the Commission would consider the draft rules pertaining to administrative sanctions. After discussion, Commissioner Knight proposed that she and Mr. Androphy work on one clean draft to present to the Commission. Chairman Hall stated that the draft rules pertaining to administrative sanctions would be deferred to the January meeting. There were no objections.

The next item on the agenda was draft advisory opinion 07-07. Mr. Androphy noted that it was his understanding that the Commission previously approved draft advisory opinion 07-07 but Ms. Rawlings appeared before the Commission to answer additional questions.

Commissioner Neal stated that the staff version had been changed considerably by the Commission. Commissioner Neal moved to reconsider the previous vote to allow discussion and Commissioner Knight seconded. Motion passed unanimously.

The Commissioner considered question 1: whether the TPRA is permitted to pay travel expenses for the President and President-elect if they are state officials and the opposing opinions in the staff draft and Commissioner Knight's draft. After discussion, Commissioner Brown moved that the Commission adopt Commissioner Knight's version. Commissioner Neal seconded. The vote was 5-1 with Commissioner Purser voting no.

Chairman Hall stated that question 2 appeared to be answered without dissent and that there were two versions of answers to question 3. Commissioner Knight agreed to combine the staff answer with her answer and there was no disagreement. There was no disagreement to the answer for question 4.

The Commission next discussed question 6. Chairman Hall stated the agreed upon answer is: "The TRPA may co-sponsor an educational training event in conjunction with a state agency under the facts described to the Commission."

Commissioner Knight made the motion to adopt this language in answer to question 6. Commissioner Neal seconded and the motion passed unanimously.

Question 7 was discussed. It was noted that the staff question version had three distinct parts and that the answer addresses all three. Chairman Hall stated that the question is if "the TRPA is permitted to buy food and refreshments to TRPA members who are also state officials at an event which is hosted by TRPA, but is sponsored by an employer of a lobbyist other than the TRPA" and that the answer is "TRPA may provide members food and refreshments at an event sponsored by an employer of a lobbyist other than TRPA if such food and refreshments does not exceed \$50.00 per day per person." Commissioner Neal made the motion to adopt the answer and Commissioner Garland seconded. The vote was unanimous.

The next question considered was question 8, which was staff question number 7, which included three questions. Commissioner Brown moved to adopt the staff language in the staff number 7. Commissioner Purser seconded. Discussion followed. Commissioner Knight responded that the Commission could say "the answer remains the same if the local government places itself under the Act." Commissioner Brown made the motion to adopt the answer and Commissioner Purser seconded. The vote was unanimous.

Draft advisory opinion 07-08 was next considered. After discussion, Commissioner Purser made the motion to accept the draft opinion prepared by the staff. Commissioner Garland seconded. Chairman Hall stated that draft Advisory Opinion 07-11 on the agenda is very similar to 07-08. He stated that as a member he would appreciate having information as to legislative intent. Commissioner Purser withdrew his motion and Commissioner Garland withdrew his second. Commissioner Hall stated that action be deferred on draft advisory opinions 07-08 and 07-11 until more information is presented. There was no objection.

Mr. Androphy presented the Executive Director's report. There was one request for a waiver of fee for lobbyist and employer registration. Mr. Androphy stated that staff had asked for more information but did not get a response. Commissioner Brown moved that the request be denied "without prejudice" and Commissioner Purser seconded. The motion passed unanimously.

Next, Mr. Androphy stated that Dennis Alpert had requested a waiver from the lobbyist training. Commissioner Brown suggested sending Mr. Alpert a letter stating that he could watch the video and be in compliance by the end of the year. The Commission was in agreement.

The meeting adjourned at 3:05 p.m.

Respectfully submitted,

Becky Bradley